

### **REMARKS**

Claims 31-44 are now pending in the application. Claims 1, 3, 5-7, 9, 18-21 and 24-30 have been cancelled. Claims 31-44 are new. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 2, 4, 9-17 and 20-24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant's regard as the invention. On Page 5 of the response filed April 11, 2001, Applicant cancelled Claims 2, 4, 8, 10-17, 22 and 23. This Amendment cancels Claims 20, 21 and 24. Regarding Claim 9, this has been rewritten as dependent Claim 43 depending from new independent Claim 38. Independent Claim 38 is amended Claim 1 rewritten as a combination claim. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shirota '107 or Ito '368 in view of Todd (3,008,694) or Kujirai et al. (5,715,705). Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shirota '107 or Ito '368 in view of Takasaki '578 and Hermann (Fig.

6). With this Amendment and the previously filed Amendment (April 11, 2001), Claims 1-30 have been cancelled.

### NEW CLAIMS

New Claims 31-37 are a claim set based on independent Claim 31. In new Claim 31 of the present invention, the cooling heat exchanger (21) is disposed at an immediate upper side of the air inlet (20a) to **approximately contact the case at an immediate upper position of the air inlet (20a)**. In addition, as shown in FIG. 3 attached herewith, the upper end peripheral portion of the case, for defining the air inlet (20a) firstly extends obliquely downwardly along a surface immediately under the cooling heat exchanger, and **further extend downwardly toward the bottom portion at a position proximate to a boundary** between the core portion and the tank portion. Accordingly, air introduced into the case from the air inlet (20a) can flow until the most forward side of the lower space along the bottom surface of the core portion of the cooling heat exchanger. Therefore, air hardly flows toward the tank portion. Thus, it can prevent the falling of condensed water, collected at the position around the boundary between the core portion and the tank portion, from being interrupted by the air flow from the air inlet. In addition, in new Claim 31 of the present invention, air can flow approximately over the whole area under the core portion, and cooling capacity of the cooling heat exchanger can be improved.

However, in Todd (USP 3,008,694), the lower space under the cooling heat exchanger, and the shape of the air inlet are not clearly indicated. That is, there is

not described regarding the upper end peripheral portion for defining the air inlet, limited in Claim 31 of the present invention.

In Kujira et al (USP 5,715,705), an arrangement relationship between the air inlet and the core portion is completely different from that in new Claim 31. In addition, the upper end peripheral portion for defining the air inlet is not described. Therefore, the effect of the present invention cannot be obtained.

In addition, in Herrmann (US 4,874,040), the air inlet (32) is greatly separated from the cooling heat exchanger. Therefore, it is impossible to approximately contact the cooling heat exchanger and the case at an immediate upper position of the air inlet.

New Claims 38-44 are a claim set based on independent Claim 38. Claims 38-44 correspond to cancelled Claims 1, 3, 5, 6, 7, 9 and 18, respectively. Claim 38 is an amended version of Claim 1 in that it is written as a combination claim and it has been amended to define the case as having a drain hole and it defines the position of the drain hole (last two paragraphs of Claim 38). In amended Claim 1 of the present invention, which is now new Claim 38, the drain hole is provided generally beneath the lower end of the cooling heat exchanger. Therefore, condensed water falling from the lower end of the cooling heat exchanger can be readily discharged to outside from the drain port without staying in the case. Accordingly, it can prevent the condensed water from being introduced again into the cooling heat exchanger, due to the air flow.

In Shirota (US 5,755,107) or Ito (US 5,711,368), the drain port is provided under the inclination lower end of the cooling heat exchanger. However, in this case,

the relationship between the air-flowing direction in the lower space from the air inlet and the inclination direction of the cooling heat exchanger is different from that of the present invention.

Further, the other documents do not teach the feature of amended Claim 1, which is now Claim 38, of the present invention.

Thus, Applicant believes Claims 31-44 patentably distinguish over the art of record.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Dec 26, 2001

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